

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

REVEREND DR. T. ANTHONY SPEARMAN)
)
)
Plaintiff,)
)
)
v.) 1:22CV561
)
DERRICK JOHNSON, et al.)
)
)
Defendants.)

ORDER

The record in this action indicates that Defendants filed a Motion to Dismiss on August 15, 2022. (Doc. 9.) Plaintiff's response to the motion was due September 6, 2022. No response was filed. Plaintiff was given notice of this failure and advised to respond within 15 days. (Doc. 11.) Attorney Mark T. Cummings has filed a letter indicating that his firm represented Plaintiff in state court before the action was removed to this court and reports that Plaintiff died July 19, 2022, and that Plaintiff's estate intends to voluntarily dismiss the case.

The court issued an order on September 30, 2022, directing a proper executor or administrator of the estate of Plaintiff file a Notice of Dismissal within fourteen (14) days. See Fed. R. Civ. P. 41(a)(1). No motion has been filed within the time provided.

IT IS THEREFORE ORDERED that the action is DISMISSED WITHOUT PREJUDICE.

/s/ Thomas D. Schroeder
United States District Judge

October 21, 2022